

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17779 of 2006

Dated: 28-08-2006

Between:

Ganesula Ramakrishna and another.

..... PETITIONERS

AND

The Sub-Collector, Rajahmundry, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17779 of 2006

ORDER:

The two petitioners are brother and sister. It is their case that in 1986, second respondent herein, namely, Mandal Revenue Officer (MRO), Mandapeta, assigned an extent of Ac.0.52 cents of agricultural dry land in survey No.184/5 situated at Kesavaram Village in favour of first petitioner and land to an extent of Ac.0.52 cents in survey No.184/4 in favour of second petitioner. The petitioners are allegedly cultivating the land after developing the same by raising cashew nut garden. They also obtained necessary mutation in the revenue records, pattadar passbooks and title deeds. They allege that third respondent, who constructed a rice mill over an extent of land admeasuring Ac.0.10 cents in the southern side of the land of petitioners' father in survey No.184/3, also constructed brick kiln by encroaching into the petitioners' land. Therefore, they filed a suit, being O.S.No.106 of 2006, for declaration of title and mandatory injunction to remove the brick kiln. It is alleged that after receiving the summons in the suit, third respondent brought pressure on first respondent, namely, Sub-Collector, Rajahmundry, and got issued proceedings bearing Ref.D/2088/2000 dated 29-07-2000 cancelling the pattas and said proceedings were served on the petitioners on 05-07-2006. Aggrieved by these proceedings dated 29-07-2000, the present writ petition is filed.

A perusal of the impugned proceedings dated 29-07-2000 issued by first respondent would show that they are only consequential proceedings. Reference entered therein refers to proceedings dated 13-07-2000 issued by MRO and therefore, first respondent directed MRO to collect pattas from the petitioners and their father Ganesuni Gani Raju. In this writ petition, the proceedings dated 13-07-2000 issued by MRO are not specifically assailed. Secondly, though the impugned proceedings are dated 29-07-2000, this writ petition is filed on 10-08-2006.

The learned counsel for the petitioners submits that even the xerox copy of the impugned proceedings were signed on 08-06-2006, the proceedings were served on them on 05-07-2006. This is, however, disputed by the learned Assistant Government Pleader for Revenue (General). Therefore, so as to seek redressal, the petitioners may have to approach the Joint Collector, East Godavari, by way of a revision against the order of Sub-Collector dated 29-07-2000. Except to this extent of giving liberty to the petitioners to approach the Revisional

Authority, no relief can be granted in this writ petition.

The writ petition, with the above observations, is accordingly disposed of. No costs.

V.V.S.RAO, J

28th August, 2006
ghn